

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : **10/066,251** Confirmation No. **2791**
Applicant : **Richard L. Hammons / Brocade Communications Systems, Inc.**
Filed : **January 31, 2002**
TC/A.U. : **2791**
Examiner : **Andrew L. Nalven**
Docket No. : **112-0020US**
Customer No. : **29855**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED JANUARY 12, 2006

Sir:

This paper is filed in response to the office action mailed on January 12, 2006. Because this response is sent within the three-month shortened statutory period, no fee is believed due. However, should any fees or refunds be due, this Office is authorized to deduct any such fees from or credit any such refunds to Deposit Account no. 501922 referencing attorney docket number 112-0020US.

Reconsideration of this application is respectfully requested.

REMARKS

Claims 1–29 and 54 are pending and were rejected. No claims are amended herein. Reconsideration and withdrawal of the rejections of each pending claim is requested in view of the following remarks.

Introduction

As an introductory matter, it appears from the office action that a brief tutorial on Fibre Channel networking would be beneficial for Examiner. Attached as an Exhibit to this response, and included in a contemporaneously filed Information Disclosure Statement, is a document entitled, “Fibre Channel Overview,” written by Zoltan Meggyesi. The Examiner is requested to review this document to gain a better understanding of the context of Applicants’ claimed invention.

Rejections Under 35 U.S.C. § 112

Claim 8 was rejected under 35 U.S.C. § 112 ¶ 2 as indefinite. Specifically, Examiner contends that the term “world wide name” is indefinite and relative. Applicant respectfully submits that “world wide name” is a term of art used in Fibre Channel networking. The term is defined in paragraph [0161] of Applicant’s specification as “unique numbers used to identify ports in certain networking systems such as in a Fibre Channel network.” The term is also discussed in various contexts at paragraphs [0075], [0088], [0093], [0101], [0120]–[0123], [0127], [0129], [0130]–[0131], [0133], [0162], [0164], and [0251]. From both the express definition and contextual discussion, one skilled in the art would clearly understand the term “world wide name” and would find it to be neither indefinite nor relative. Furthermore, discussion of the term “world wide name” occurs throughout the Fibre Channel standards submitted in the contemporaneously filed Information Disclosure Statement. Reconsideration and withdrawal of the rejection of claim 8 is therefore requested.

Rejections Under 35 U.S.C. § 102

Claims 1–9 and 11–15 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Pre-grant Publication 2002/0174207 by Battou (“Battou”). Of these claims, only claim 1 is independent, with the remaining claims depending either directly or indirectly therefrom. Because claim 1 includes limitations not disclosed by Battou, each of the dependent claims,

which necessarily incorporate the missing limitations are also allowable. Therefore, the following remarks address only independent claim 1. However, each dependent claim includes limitations neither disclosed nor suggested by Battou, and Applicant reserves the right to address these claims on their own merits at a latter time.

Independent claim 1 is drawn to a network configuration entity “configured or adapted to exclusively control a defined set of management functions throughout a secure network, ... said set of management functions comprising the recognition, operation and succession of the network configuration entity.” In rejecting claim 1, Examiner has failed to address the limitation requiring that the network configuration entity maintain exclusive control over these functions. In fact, Battou teaches exactly the opposite, namely that a plurality of devices share control over recognition, operation and succession of the network configuration entity.

For example, at paragraph [0008] Battou describes “a hierarchical network management system in which a plurality of NMS managers, each responsible for different portions or aggregations of a communications network, are logically arranged in a tree structure.” The fact that there are multiple NMS managers, each responsible for different portions of the network completely negates the contention that any one of these devices maintains exclusive control over the required parameters. Battou goes on to explain that: “The NMS managers within each sub-group monitor the status of one another in order to detect when one of them is no longer operational. If this happens, the remaining operational NMS managers of the sub-group collectively elect one of them to assume the responsibility of the non-operational NMS manager.” Collectively deciding upon an order of succession for a failed network component is antithetical to claim 1, which requires that the network configuration entity maintain exclusive control over, among other things, “succession of the network configuration entity.”

Because the exclusive control limitation of claim 1 is neither taught nor suggested by Battou or the other art of record, reconsideration and withdrawal of the rejection of claim 1 and all claims depending therefrom is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 10, 16, 17–24, and 54 were rejected under 35 U.S.C. § 103(a) as obvious over Battou in view of various other references. Claims 10 and 16 depend from claim 1 and are therefore allowable for at least the reasons discussed above. Claims 17–29 and 54 include

various common limitations, and were addressed as one by Examiner. For clarity and convenience, Applicant respond in kind, but reserves the right to address the claims separately at a later time if necessary.

One element found in various of claims 17–24 and 54 that is not present in the combination of references proposed by the Examiner is: “a memory for storing an NCE list, said NCE list comprising an indication of each device in the network that may operate as said network configuration entity.” Examiner contends that this element is disclosed in Battou at Paragraphs [0268]–[0271]. While the Office Action does not identify a particular structure that is the memory for storing an NCE list, the undersigned presumes Examiner is referring to the “database server to store persistent data, e.g., longer-life data such as configuration and connection information.” However, this passage recites no teaching or suggestion that the configuration and connection information includes the required NCE list, namely, “an indication of each device in the network that may operate as said network configuration entity.” Rejection of the claims that include the NCE list limitation is therefore improper.

Another element found in various of claims 17–24 and 54 is the “DCC list, said DCC list comprising definitions that logically bind a port on the network configuration entity, to one or more other ports resident in the secure network.” Examiner contends that this element is taught in Battou at paragraphs [0307]–[0308]. However, the passages cited by Examiner appear to relate to routing a light path through various optical switching equipment. This is physical connection in an optical network, not logical binding as required by the DCC list limitation. The Examiner’s attention is directed to Applicant’s specification at paragraphs [0123]–[0128] for an explanation of the DCC list in context. Because the cited references fail to teach the required DCC list, rejection of claims 17–24 and 54 including this limitation is improper.

An additional element found in various claims among 17–24 and 54 is the “MAC list, said MAC list comprising an indication of network endpoints from which management access is acceptable.” Examiner concedes that the required MAC list is not present in Battou and proposes U.S. Pre-grant publication 2004/0015957 by Zara (“Zara”) to supply this missing limitation. While Zara does disclose “MAC” addresses, these are *media* access control addresses, which are unique identifiers of network adapters in an Ethernet network. The “MAC list” of the pending claims is a *management* access control list, and has nothing to do with

Ethernet MAC addresses. As can be seen from the plain language of the claim the MAC list must indicate the endpoints from which management is acceptable. The MAC address used for intrusion detection in Zara does not even bear passing resemblance to a list of devices from which management access is permitted. Therefore the rejection of claims 17–24 and 54 including this limitation is improper.

Additionally, each of claims 17–24 and 54 incorporate in some way, shape, or form, the exclusive control limitation discussed above with respect to claim 1. For example, claim 17 is drawn to a network configuration entity “configured or adapted to exclusively control a defined set of management functions....” Similarly, claim 18 is drawn to a Fibre Channel switching device ... wherein a defined set of management functions is controlled throughout said secure network by a network configuration entity....” Each of the remaining claims 19–24 and 54 include some variation of this limitation. However, as discussed above, Battou is drawn to a network in which the various functions enumerated in the claims are subject to distributed control among a plurality of NMS managers. Therefore, Battou fails to disclose the required exclusive control and is inappropriate for combination with other references because it teaches away from Applicant’s claimed invention. *See* MPEP § 2143, et seq.

Claim 25

The office action did not address claim 25. However, Applicant notes that claim 25 includes at least the requirement of network-wide, *i.e.*, exclusive, control over specified management parameters by a single network configuration entity, and is therefore patentable for at least the reasons outlined above with respect to claim 1.

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Applicant invites the Examiner to call the undersigned with respect to any questions pertaining to this application (832/446-2409).

Respectfully submitted,

April 10, 2006
Date

/Billy C. Allen III/
Billy C. Allen III
Reg. No. 46,147

WONG, CABELLO, LUTSCH,
RUTHERFORD & BRUCCULERI, L.L.P.
20333 State Highway 249, Suite 600
Houston, TX 77070

832/446-2400
832/446-2424 (facsimile)
832/446-2409 (direct)